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PATENT

Attorney Docket 044921-5055-02

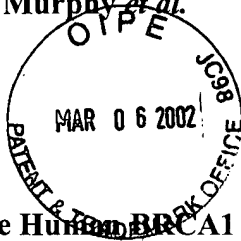
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Patricia Murphy et al.**

Application No. **09/734,672**

Filed: **December 13, 2000**

For: **Coding Sequences of the Human BRCA1 Gene**



Art Unit: **1633**

Examiner: **Not Assigned**

#9B

Zitce

6-19-02

Box Missing Parts

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This paper is filed in response to the Notice of Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. 1.53(b) dated December 6, 2001. A copy of the Notice of Missing Parts is enclosed.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a one-month extension of time from February 6, 2002 to March 6, 2002, the extension fee for which is \$55.00 as set out in 37 C.F.R. 1.17(a)-(d) for small entities. If an additional extension of time is required, please consider this a petition therefor.
3. Amendments: Applicants are submitting the attached substitute sequence listing in response to the Notice to File Missing Parts. Please therefore cancel original pages 43-119 (original sequence listing) and renumber remaining pages 120-127 as pages 43-50.
4. Fee Calculation (37 C.F.R. 1.16): Prior to calculating the claim fee due in this application, please cancel claims 1-6, 8-15, 17-25 & 27 without prejudice or disclaimer of the claimed subject matter.

CLAIMS FOR FEE CALCULATION						
	Remaining		Previously Paid	Extra	Rate	Basic Fee: \$740.00
Total Claims	3	minus	0	0	\$18 each	+ 0.00
Independent Claims	3	minus	0	0	\$84 each	+ 0.00
First presentation of Multiple dependent claim					\$280.00	+ 0.00
Sub-total =						= 740.00
Reduction by 1/2 for filing by a small entity						- 370.00
Total Fee =						\$370.00

03/12/2002 HBERHE 00000005 09734672

01 FC:201 370.00 CH
02 FC:205 65.00 CH
03 FC:215 55.00 CH

Attorney Docket 044921-5055-02

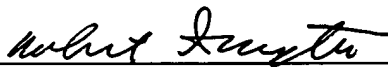
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5. Fee Payment: The Commission is hereby authorized to charge **\$490.00** to Deposit Account 50-0310 for payment of the application filing fee (\$370.00), missing parts surcharge fee (\$65.00) and the one-month extension of time fee (\$55.00).
6. Additional Papers Filed:
 - (i) Substitute Specification (127 pages)
 - (ii) Statement Accompanying Sequence Listing
 - (iii) Sequence Listing (54 pages)
 - (iv) Diskette with electronic copy of sequence listing
7. Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Dated: **March 6, 2002**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted
Morgan, Lewis & Bockius LLP



Robert Smyth
Registration No. 50,801



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/734,672	12/13/2000	Patricia D. Murphy	44921-5055-2

009629
MORGAN, LEWIS & BOCKIUS
1800 M STREET NW
WASHINGTON, DC 20036-5869



CONFIRMATION NO. 6880

FORMALITIES LETTER



OC000000007165013

Date Mailed: 12/06/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$463.
 - \$63 for 7 total claims over 20.
 - \$400 for 10 independent claims over 3.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 883.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
 - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*
- A request to transfer the computer readable form from another application on file at the U.S. Patent and Trademark Office has been submitted as permitted by 37 C.F.R. 1.821(e). However, the request cannot be complied with since there is no compliant CRF present at the United States Patent and Trademark Office. Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

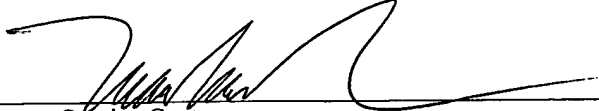
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01 FC:201 370.00 CH
02 FC:205 65.00 CH

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY